

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 ORM-02 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 IO-13 AID-05 SCCT-01 /080 W

----- 105849

R 122125Z AUG 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 0825

INFO AMEMBASSY CARACAS

C O N F I D E N T I A L SANTIAGO 7851

EO 11652: GDS

TAGS: SHUM, SREF, PINT, PFOR, CI

SUBJECT: EXPULSION OF DEMOCRATIC LEADERS: CHRISTIAN

DEMOCRAT DRAFT PETITION

REFS: (A) SANTIAGO 7800, (B) SANTIAGO 7664

1. SUMMARY: EX-PRESIDENT EDUARDO FREI IS SPONSORING AND PROBABLY DRAFTED A PETITION TO PRESIDENT OF THE SUPREME COURT EZYAGUIRRE SHARPLY TAKING THE GOC TO TASK FOR ENDING THE RULE OF LAW IN CHILE AND VIOLATING BASIC RIGHTS OF THE PERSON. THE LETTER CHALLENGES THE COURTS TO REESTABLISH THE SUPREMACY OF LAW OVER CAPRICE IN COMING TO GRIPS WITH THE EXPULSION OF LAWYER-POLITICIANS EUGENIO VELASCO AND JAIME CASTILLO. CHRISTIAN DEMOCRATS SEEKING CO-SIGNERS OF THE PETITION TELL US THAT THEY ARE HAVING DIFFICULTIES IN GETTING TWO HUNDRED PROMINENT FIGURES TO SIGN FOR FEAR OF REPRISAL BY THE GOC. FOR EXAMPLE, WE HEAR THAT THE DOZEN DEMOCRATIC LABOR LEADERS WHO HAVE JOINED TO CALL FOR REESTABLISHMENT OF WORKERS' RIGHTS DO NOT WANT TO SIGN: EX-PRESIDENT ALESSANDRI IS SAID TO HAVE DONE SO, HOWEVER. PRESIDENT PINOCHET REPEATED HIS PLEDGE TO ENFORCE THE BAN ON POLITICAL ACTIVITY. END SUMMARY.

2. THE PETITION BEGINS BY CITING THE REPUTATIONS OF VELASCO  
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AND CASTILLO AND SAYS THAT THEIR ONLY OFFENSE WAS DEFENSE

OF HUMAN RIGHTS, PARTICULARLY WHEN THEY WROTE TO OAS FOREIGN MINISTERS DURING THE JUNE OASGA IN SANTIAGO. IT RECALLS THAT GOC OFFICIALS HAD POINTED TO THE LETTER AS PROOF THE GOVERNMENT RESPECTED HUMAN RIGHTS. IT QUOTES THE OASGA AS RESOLVING TO REQUEST THE GOC TO CONTINUE COLLABORATING WITH THE IA HUMAN RIGHTS COMMISSION AND "AT THE SAME TIME, GRANT THE PERTINENT GUARANTEES TO PEOPLE OR INSTITUTIONS WHO PROVIDE IT WITH INFORMATION, TESTIMONY OR OTHER PROOF." THE PETITION SAYS THAT THE EXPULSION OF CASTILLO AND VELASCO MAKES A FARCE OF THIS RESOLUTION, AND "IF SUCH MEASURES PROVOKE AN INTERNATIONAL REACTION, NO ONE CAN SAY THAT IT WAS THE FRUIT OF EXTREMIST PROPAGANDA AGAINST CHILE."

3. THE PETITION CONTINUES THAT CHILE HAS ALWAYS CLAIMED TO RESPECT THE RULE OF LAW, APPLIED TO GOVERNED AND GOVERNORS EQUALLY, WITH MAXIMUM PERSONAL FREEDOM AS THE GOAL. "TODAY NEITHER OBTAINS IN CHILE." THE PETITION GOES ON TO SAY THAT WHEN A GOVERNOR CAN MAKE AND CHANGE THE LAW AT HIS OWN WHIM, AUTHORITY BECOMES ARBITRARY. WHEN A GOVERNMENT DECIDES ON ITS OWN TO EXTEND INDEFINITELY ITS EMERGENCY POWERS, "AUTHORITY BECOMES ABSOLUTE AND LAW A DEAD LETTER." WHEN PEOPLE CAN BE DETAINED, INTERROGATED, THREATENED, TORTURED AND ABUSED BY AGENTS IMMUNE FROM THE COURTS, "DECLARATIONS ABOUT HUMAN RIGHTS BECOME DELUSIONS OR SARCASM." WHEN HABEAS CORPUS IS SYSTEMATICALLY DENIED, IGNORED OR CIRCUMVENTED BY A GOVERNMENT, "THE ONLY EFFECTIVE GUARANTEE OF PERSONAL FREEDOM HAS DISAPPEARED ... ALL THIS IS OCCURRING IN CHILE."

5. THE PETITION OBSERVES THAT SINCE THE MAGNA CARTA, THE COURTS HAVE HAD THE "SACRED DUTY OF ENSURING RESPECT FOR THE LAW AND PERSONAL FREEDOMS." IN CHILE THESE RESPONSIBILITIES FALL TO THE SUPREME COURT, WHICH HAS ZEALOUSLY DEFENDED THEM -- AS IT DID DURING THE PREVIOUS REGIME. IT CONCLUDES: "THE CASE OF JAIME CASTILLO AND EUGENIO VELASCO IS THE DEFINITIVE BENCHMARK IN THIS AREA AND OFFERS THE JUDICIARY THE PERFECT CHANCE TO REESTABLISH THE SUPREMACY OF THE LAW OVER CAPRICE. MILLIONS OF CHILEANS, THE WORLD AND HISTORY AWAIT YOUR DECISION."

6. FREI TOLD THE AMBASSADOR (REF A), AND WE HAVE HEARD FROM  
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OTHERS AS WELL, THAT THE CHRISTIAN DEMOCRATS ARE HAVING DIFFICULTY IN OBTAINING THE HUNDREDS OF SIGNATURES THEY WANT TO ACCOMPANY THE PETITION. THE DOZEN AUTHENTIC LABOR LEADERS CALLING THEMSELVES THE "DINAMICOS" (WHO INCLUDE MANY OF CHRISTIAN DEMOCRAT PERSUASION AND OTHERS ORIENTED TOWARD THE PIR - VELASCO'S PARTY) HAVE LET US KNOW THAT THEY ARE EXTREMELY RELUCTANT TO SIGN THE PETITION. THEY BELIEVE IT WOULD JEOPARDIZE THEIR CAMPAIGN FOR PERMISSION TO HOLD LABOR

UNION ELECTIONS. ANOTHER CHRISTIAN DEMOCRAT TOLD A MISSION OFFICER THAT EX-PRESIDENT JORGE ALESSANDRI HAS ENLISTED, HOWEVER. AND SOME BUSINESSMEN, HERETOFORE STAUNCH SUPPORTERS OF THE REGIME, HAVE TOLD EMBASSY OFFICERS OF THEIR SHOCK AND DISMAY AT WHAT THEY VIEW AS ARBITRARY GOC ACTION IN EXPELLING THE LAWYERS. THEY SEE POSSIBLE SPILLOVER INTO THE BUSINESS AND ECONOMIC AREA.

7. MEANWHILE, DURING A TOUR OF S SANTIAGO SURURB, PRESIDENT PINOCHET ISSUED A STERN WARNING THAT POLITICAL ACTIVITY WOULD NOT BE TOLERATED.

8. THE EXPULSION OF CASTILLO AND VELASCO WAS OBVIOUSLY VIEWED BY THE PDC AS A SERIOUS THREAT TO EVEN THAT DEGREE OF DISSENT WHICH HAD BEEN PERMITTED HUMAN RIGHTS LAWYERS AND POLITICAL SPOKESMEN FOR THE DEMOCRATIC PARTIES IN CHILE. FREI CLEARLY FELT HE HAD TO REACT TO THE CHALLENGE. WHEN THE PETITION IS PUBLISHED OR CIRCULATED, A COUNTER-REACTION BY THE GOVERNMENT MAY WELL BE FORTHCOMING. GIVEN THE CLIMATE OF FEAR WHICH PREVAILS AMONG POLITICALLY ACTIVE CENTER-LEFT ELEMENTS, IT SEEMS HIGHLY UNLIKELY THAT MATTERS WILL REACH A CRISIS. NEVERTHELESS, THE EPISODE WILL ADD TO THE CLIMATE OF TENSION WHICH IS BEGINNING TO EXIST IN CHILE.  
POPPER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXPULSION, HUMAN RIGHTS, POLITICAL REPRESSION, DOCUMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 AUG 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976SANTIA07851  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760311-0456  
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**Office:** ACTION ARA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** 76 SANTIAGO 7800, 76 SANTIAGO 7664  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 15 JUL 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <15 JUL 2004 by ShawDG>; APPROVED <27 OCT 2004 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** EXPULSION OF DEMOCRATIC LEADERS: CHRISTIAN DEMOCRAT DRAFT PETITION  
**TAGS:** SHUM, SREF, PINT, PFOR, CI, (FREI, EDUARDO)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006